

# **SUBCOMMITTEE NO. 4**

# **Agenda**

Joseph Dunn, Chair  
Denise Moreno Ducheny  
Ross Johnson



## **PART I**

**Wednesday, May 19, 2004**  
**1:30**  
**Room 3191**

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ISSUE #	ORG/ DEPT	ISSUE	DESCRIPTION	DOLLARS (in thousands)	STAFF REC.	BBL/ TBL	VOTE
1	0250 Judiciary	<b>April Finance Letter: Acquisition and Preliminary Plans for 2 New Court Facilities.</b>	<p>1. Placer-Nevada Shared Use Facility: Truckee. The Judicial Council requests \$544,000 from the Courthouse Construction Fund to consolidate court operations in the Placer and Nevada counties. This request would fund the site acquisition and preliminary plans for a 25,500 square foot facility in Truckee that would combine functions of the Superior Courts in these counties.</p> <p>2. Portola-Loyalton New Branch Court: Counties of Plumas and Sierra. The Judicial Council requests \$75,000 from the Courthouse Construction Fund to consolidate court operations in the Plumas and Sierra counties. This request would fund the site acquisition and preliminary plans for a 5,400 square foot facility that would combine functions of the Superior Courts in these counties.</p> <p>These projects may reduce future capital and operational costs through innovative use of shared facility and technology. The Finance Letter also proposes provisional language to identify these as demonstration projects and require the Judicial Council to report its findings on future cost savings to the Legislature and Department of Finance:</p>	\$619 in Courthouse Construction Funds	<b>Adopt Finance Letter</b>	BBL	
2	0250 Judiciary	<b>April Finance Letter: Reappropriation for the Fourth Appellate District Court of Appeal</b>	This Finance Letter proposes to reappropriate funds for working drawings and construction for the Fourth District Court of Appeals courthouse in Orange County. The reappropriation is necessary due to the transfer of project management from DGS to the AOC when the project was reappropriated in the 2003 budget and the Judicial Council's need to create and adopt interim contracting rules and procedures.		<b>Adopt Finance Letter</b>	BBL	

ISSUE #	ORG/ DEPT	ISSUE	DESCRIPTION	DOLLARS (in thousands)	STAFF REC.	BBL/ TBL	VOTE
3	0250 Judiciary	<b>May Revise: Revised Budget Proposal and Unallocated Reduction</b>	<p>The Governor's Budget included an ongoing \$9.8 million reduction. The May Revise proposal provides additional funding for increases in judges salaries and benefits, employee salaries, and increases in the costs of contract security services provided by the CHP. It will also decrease the unallocated reduction to \$8.5 million, \$3 million of which is on-going.</p> <p>The January budget originally proposed total appropriations of \$373.8 million for support of these judicial functions in 2003-04. This had been a decrease of \$8.3 million, or 2.2 percent below estimated current-year expenditures.</p>	\$4,329 from the General Fund	<b>Adopt Finance Letter</b>		
4	0250 Judiciary	<b>May Revise: Trial Court Facilities Act of 2002.</b>	<p>Per the Trial Court Facilities Act of 2002 (Ch. 1082, St. 2002), the Judicial Council proposes \$23.3 million from the Court Facilities Construction Fund and \$1,000 from the Court Facilities Trust Fund, and 102 positions. This proposal would provide program support staffing to begin the transition of facilities from county to the state.</p> <p>The proposal is consistent with the estimate of positions and resources from the fiscal estimate provided during consideration of the Act. This is the second year of the 5-year planned organizational development process.</p> <p>The process for transferring the properties from the county to the state will formally begin in the budget year. The AOC anticipates that in the budget year between 100 and 140 facilities will be transferred to the state.</p> <p>The proposal includes language requiring the Council to provide a workplan prior to filling positions. The proposal also creates the Court Facilities Trust Fund and appropriates \$1,000 with language that allows DOF to increase funds to the item once money is in the fund.</p>	\$23,291 from the State Court Facilities Construction Fund and \$1 from the Court Facilities Trust Fund	<b>Adopt Finance Letter</b>	BBL	

ISSUE #	ORG/ DEPT	ISSUE	DESCRIPTION	DOLLARS (in thousands)	STAFF REC.	BBL/ TBL	VOTE
5	0450 – Trial Court Funding	<b>May Revise: Revised Budget Proposal and Unallocated Reduction</b>	<p>The May Revision provides an increase of \$99 million to the state's trial courts. The proposal includes increases for existing costs that courts are experiencing but does not provide funds for new, additional, or improved services.</p> <p>Court Staff Retirement: \$23.1 million.  Court Security: \$28.8 million.  Judges Retirement System (JRS) Funding: \$27. 6 million.  Non-Salary Driven Benefit Increases: \$11.5 million.  Salary and Benefit Contract Costs: \$9.6 million.  Judges Salary and Benefits: \$8.1 million.  County Charges: \$1.5 million.</p> <p>Unallocated Reduction: -\$11 million. Increases the \$59 million unallocated reduction included in the January budget proposal to \$70 million.</p> <p>For 2003-04, this budget item took a one-time \$85 million unallocated reduction. However, the actual reduction to the trial courts' operating budgets amounted to \$59.8 million as a result of other reductions, including \$10 million from judicial salary savings, \$10 million from the Trial Court Improvement Fund, \$4.3 million from the Judicial Administration Efficiency and Modernization Fund, and \$900,000 from the Assigned Judges program.</p> <p>In the January proposal the entire unallocated reduction was proposed as an ongoing reduction. This proposal makes \$20 million ongoing and \$50 million one-time. Previous unallocated reductions to the trial courts have been one-time. The courts have stressed that maintaining one-time reductions rather than ongoing reductions is important because it will mean that the impact of these reductions, such as reduced hours and services, will not become institutionalized.</p>	99,100	<b>Adopt Finance Letter request</b>		

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6	0450 Trial Court Funding	<b>May Revise: Electronic Reporting</b>	<p>The proposal reduces the budgets of the trial courts by \$6.4 million and proposes to increase the use of electronic reporting. The estimates assume increased use of electronic reporting through attrition of court reporters.</p> <p>The proposal includes trailer bill language (TBL) requiring the Judicial Council to provide by rule of court the means for taking down, storing, transcribing, and certifying the verbatim record. The language allows for electronic recording in all cases except death penalty cases. (For TBL see Attachment A)</p> <p>Staff Comments: The estimates do not include costs of transcribing the electronic record, or the staff costs of running the equipment.</p> <p>The Subcommittee may wish to adopt the following intent language: It is the intent of the Legislature to address the use of electronic recording equipment in the trial courts.</p>	\$6,381 General Fund savings	<b>Reject Finance Letter request &amp; Adopt intent language</b>	TBL	
7	0450 Trial Court Funding	<b>May Revise: Eliminate Governmental Exemption from Civil Court Filing Fees</b>	<p>Under current law all governmental agencies are exempt from paying court filing fees. This proposed TBL would eliminate the exemption for all government agencies except for state agencies, child welfare or probation agencies in proceedings pursuant to Welfare and Institutions code section 300 et seq., and local child support or D.A.s in actions regarding establishment or enforcement of child support.</p> <p>Staff Comments: The AOC indicates that savings estimates were based on very limited information. Counties have objected to this proposal as a cost shift of court costs from the state to counties and therefore a revocation of the central principle of trial court funding reform.</p> <p>Staff notes that the state fiscal impacts are relatively minor, yet the policy change may be considered significant. For TBL see Attachment B</p>	\$312 in General Fund savings	<b>Reject Finance Letter request</b>	TBL	

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8	0450 Trial Court Funding	<b>May Revise: Reduce Peremptory Challenges in All Cases</b>	<p>Proposes to reduce peremptory challenges from 20 peremptory challenges per side to 10 in death penalty or life cases, from 10 challenges per side in other felonies to 6, from 6 per side for misdemeanors and 2-party civil cases to 3, and from 8 per side for multi-party civil cases to 6. This proposal requires trailer bill language (Attachment C).</p> <p>Staff Comments: Savings amount for this proposal may be overstated. The reduction in peremptory challenges may lead to greater use of challenges for cause, which take up more court time and resources. In addition, the estimate assumes that all peremptory challenges are currently used.</p> <p>Staff notes that the state fiscal impacts are relatively minor, yet the policy change may be considered significant.</p>	\$372 in General Fund Savings	<b>Reject Finance Letter request</b>	TBL	
9	0450 Trial Court Funding	<b>May Revise: Implement Smaller Jury Panel Sizes Statewide</b>	<p>May Revise proposal would reduce jury panel size to 35 jurors. According to AOC, there is an average of 68 jurors on felony panels, 53 on misdemeanor panels, and 57 on civil panels. The proposal includes trailer bill language.</p> <p>Staff Comments: This proposal is based on changes that LA County made. Staff notes that there are a number of other factors that affect the need for jury panel sizes. Staff understands that LA County allows fewer excuses from jury service than any other counties. Should this proposal be adopted, other counties would need to change policies to allow significantly fewer excuses from jury service.</p> <p>Staff notes that the state fiscal impacts are relatively minor, yet the policy change may be considered significant.</p> <p>(See TBL Attachment D)</p>	\$241 in General Fund savings	<b>Reject Finance Letter request</b>	TBL	

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10	0450 Trial Court Funding	<b>May Revise: Decrease Jury Size in Limited Civil Cases</b>	<p>Limited civil cases are those in which the amount in controversy does not exceed \$25,000. Current law allows 12 jurors, this proposal would allow 8 jurors.</p> <p>Requires trailer bill language. (See Attachment E)</p> <p>Staff notes that the state fiscal impacts are relatively minor, yet the policy change may be considered significant.</p>	\$173 in General Fund savings	<b>Reject Finance Letter request</b>	TBL	
11	0450 Trial Court Funding	<b>May Revise: Eliminate Juror Pay for Governmental Employees</b>	<p>Current juror fees are \$15 per day and mileage at the rate of \$0.34 per mile. This proposal would exempt government employees from receiving juror pay (but would still allow for mileage reimbursement).</p> <p>Requires TBL (Attachment F)</p> <p>Staff Comments. To the extent that employees of state agencies ask for the juror fees to be waived, give the juror fee back to the state, or have salary offset by the fee, the savings may be overestimated.</p>	2,300 in General Fund savings	<b>Reject Finance Letter request</b>	TBL	
12	0450 Trial Court Funding	<b>May Revise: Trial Court Collective Bargaining</b>	<p>Currently each local court negotiates with local employee unions to determine court employee salaries and benefits. The administration is proposing trailer bill language requiring the Judicial Council to establish a working group to review trial court collective bargaining issues and make recommendations to the Governor and the Legislature.</p> <p>This proposal has no fiscal effect on the budget. Given the significant policy issues, this proposal may be more appropriately handled through the regular policy process rather than as trailer bill language proposed at the time of the May Revise. (For TBL see Attachment G)</p> <p>The Subcommittee may wish to adopt the following intent language: It is the intent of the Legislature to address the collective bargaining process in the trial courts.</p>		<b>Reject Finance Letter request &amp; Adopt intent language</b>	TBL	

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13	0450 Trial Court Funding	<b>Loan from the State Court Facilities Construction Fund to the General Fund</b>	A loan of \$30 million from the State Court Facilities Construction Fund (SCFCF) to the General Fund. The Administration has indicated that the SCFCF will have sufficient resources to begin transferring court facilities from the counties to the state in the budget year pursuant to Chapter 1082, Statutes of 2002.	\$30,000 Loan to the General Fund	<b>Approve proposal</b>	BBL	
14	0450 Trial Court Funding	<b>Fresno Court of Appeal Courthouse</b>	<p>George N. Zenovich was elected to the State Assembly from Fresno in 1962. He served as Majority Leader and Democratic Caucus Chairman. In 1970 he was elected to the State Senate where he served until he was appointed to the Fifth District Court of Appeals in 1979.</p> <p>During his tenure in the Legislature, Zenovich was responsible for the Zenovich/Moscone/Chacon Housing and Home Finance Act which authorized bonds for low and moderate income housing and established the California Housing Finance Agency. He was instrumental in the passage of the Dixon/Zenovich/Maddy California Art Act of 1975 and the landmark Alatorre/Zenovich/Dunlap/Berman Agricultural Labor Relations Act: the first law in the nation recognizing the right of farm workers to bargain collectively.</p> <p>George Zenovich's greatest passion was championing the cause of physically, mentally, and neurologically handicapped children. He sponsored funding for autistic children and established the Diagnostic School for neurologically handicapped children in Fresno in 1973.</p> <p>The Subcommittee may wish to adopt trailer bill language stating that the state office building in the City of Fresno for the California Court of Appeal, Fifth Appellate District, shall be named and known as the "George N. Zenovich Court of Appeal Building."</p>		<b>Approve TBL</b>	TBL	



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15	0450 Trial Court Funding	<b>May Revise: Costs for Homicide Trials</b>	<p>Requests an increase of \$254,000 to provide funding for the costs of extraordinary homicide trials incurred by the courts. A corresponding reduction of \$254,000 is proposed in the Payments to Counties for the costs of Homicide Trials budget item.</p> <p>The request includes budget bill language requiring Judicial Council to develop a methodology for distributing such funding, and TBL is proposed to prohibit courts from receiving funds from the Payments to Counties for the Costs of Homicide Trials budget item. (Attachment H)</p>		<b>Adopt Finance Letter proposal</b>	BBL TBL	
16	0450 Trial Court Funding	<b>Trial Court Baseline Funding</b>	<p>Senator Ackerman has proposed some provisional language regarding baseline funding for the trial courts. The language directs the Judicial Council (1) to work with DOF and LAO to develop a trial court workload staffing and resource model, including performance measures for trial courts, (2) to work with DOF and LAO to develop a methodology for making baseline adjustments to trial court funding for mandatory cost items, and (3) to submit a report to the Legislature identifying mandatory costs facing the courts. The language is attached as Attachment I.</p> <p>The Subcommittee may wish to adopt the following intent language: It is the intent of the Legislature to direct the Judicial Council to work in conjunction with the DOF and the LAO to develop an improved court budgeting process.</p>		<b>Adopt intent language</b>	BBL	
17		<b>May Revise: The California State Law Library Special Account</b>	<p>Subcommittee #1 has referred this issue to Subcommittee #4. The May Revise proposes to extend the sunset for the portion of the appellate court filing fee that funds the State Law Library.</p> <p>Under current law, \$65 from appellate court filing fees are deposited into the California State Law Library Account for support of the State Law Library. The fee sunsets January 1, 2005. The proposed TBL would extend the sunset to January 1, 2010. Subcommittee #1 recommends approval of the TBL. (See Attachment J)</p>		<b>Adopt Finance Letter</b>	TBL	

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18	0450 Trial Court Funding	<b>Court Technology</b>	<p>The AOC, under the direction of the Judicial Council, has embarked on two major IT projects. These are the Court Accounting and Reporting System (CARS) and the California Case Management System (CCMS). The AOC has begun both projects and expects to fully implement both projects by 2009.</p> <p>Staff Comments: The AOC and LAO have agreed to reporting language for these two technology projects. (Attachment K)</p>		<b>Adopt trailer bill language</b>	TBL	
19	0450 Trial Court Funding	<b>Potential Filing Fee Shortfall in the Budget Year</b>	<p>New and increased fees approved in the 2003-04 budget are not generating the estimated revenues, thereby leaving the trial courts with a deficiency of \$24.3 million in the current year. The AOC estimates that the shortfall could be \$17.7 million in the budget year. In order to examine fee-related issues, a Court Fees Working Group was convened.</p> <p>The Subcommittee may wish to adopt the following intent language: It is the intent of the Legislature to review the impacts of the new and increased filing fees approved in the 2003-04 Budget Act and to consider recommendations for a statewide uniform fee structure.</p>		<b>Adopt Intent language</b>	TBL	
20	0390 Judges Retirement System	<b>Funding for JRS I</b>	<p>For 2004-05, the budget estimates total General Fund expenditures of \$116.2 million will be needed for the program. Similar to the current year, this amount would leave a one-month reserve for the fund.</p> <p>In the January Proposal, of the \$116.2 million, the Administration proposes maintaining the current year level of General Fund at \$88.6 and transferring \$27.6 million from the General Fund appropriation to the TCTF to make up the balance.</p> <p>As was indicated above in the Trial Court Funding budget item, the transfer from the TCTF is no longer part of this proposal.</p>		<b>Approve amended proposal</b>		

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21	8940 Military Department	<b>Santa Ana Armory</b>	<p>The armory in Santa Ana was built in 1957. It currently houses a rifle company with approximately 100 national guardsmen. It is used as a training site one weekend per month. The remainder of the month it is used primarily for vehicle and equipment storage.</p> <p>The armory is on a 3.5-acre site. If the armory were moved, the armory would need to be larger and upgraded to current standards. The funding is split between the federal government and the state government. The City of Santa Ana is currently searching for a site for the new armory.</p>				
22	8940 Military Department	<b>Los Alamitos Firefighters</b>	<p>The firefighters of the Los Alamitos Joint Forces Training Base (LAJFTB) are employees of the Military Department. The employees are considered on state active duty. The Military Department pays these firefighters from federal funds. The employees have similar protections to civil servants, although they do not have collective bargaining rights.</p> <p>The Los Alamitos firefighters have attempted to convert their personnel status over the last twenty years. Legislation was enacted in 1993 that allowed these firefighters to convert to state civil service provided that federal dollars were made available to cover related conversion costs. Federal funding has not been appropriated for this purpose.</p> <p>In April 2004, the Military Department sent a status on the issue indicating that federal regulations prohibit them from contracting out for the firefighter positions at Los Alamitos.</p>				

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23	8940 Military Department	<b>Finance Letter: Oakland Military Institute</b>	<p>This Finance Letter requests to restore \$875,000 in funding and 11 positions that were proposed to be eliminated as part of a previously approved General Fund reduction BCP.</p> <p>In the current year the Military Department anticipates expenditures of \$2.2 million and 24.3 positions for the OMI. The January reduction would leave \$1.3 million and 13 positions for this activity. This funding provides for assistant teachers in the classrooms to teach military customs and military history, and for extra curricular activities such as physical education, drill and ceremonies, leadership, and team development.</p> <p>This funding is on top of funding that the OMI receives similar to any other charter school in the state under Proposition 98. In its third year of operation, the Military Department indicates that OMI had 321 students enrolled in grades 7-9, primarily from Oakland and the East Bay area.</p>		<b>Reject Finance Letter</b>		
24	8940 Military Department	<b>May Revise: General Fund Reduction.</b>	This May Revise proposal requests a decrease of \$214,000 to reflect a reduction to the Military Retirement program due to a declining population served by the program and a reduction to the California National Guard Youth Programs, which will eliminate one State Active Duty-Tour position and related operating expenses from the Challenge Youth Program administrative support staff.		<b>Adopt Finance Letter</b>		

**Attachment A**

SEC. 1. *Section 272 is added to the Code of Civil Procedure to read as follows:*

*(a) Notwithstanding any other provision of law, the Judicial Council shall provide by rule for the means of taking down the verbatim record, the means of storing and maintaining the notes of the verbatim record, the means of producing the transcript of the verbatim record, and the certification of the verbatim record. The rule shall include a process to utilize technology to enable the courts to capture the verbatim record only by transitioning to this process through the attrition of court reporters employed by the superior court as of June 30, 2004, to ensure that no court reporter employed as of June 30, 2004 is displaced by this technology.*

*(b) The verbatim record includes, but is not limited to, all testimony, objections made, rulings of court, exceptions taken, arraignments, pleas, sentences, arguments of the attorneys to the jury, and statements and remarks made and oral instructions given by the judge or judicial officer. A verbatim record is required in the following cases:*

- (1) In a civil case, on the order of the court or at the request of a party.*
- (2) In a felony case, on the order of the court or at the request of the prosecution, the defendant, or the attorney for the defendant.*
- (3) In a misdemeanor or infraction case, on the order of the court.*
- (4) In a juvenile proceeding that is not before a referee or commissioner.*
- (5) In proceedings in which the death penalty may be imposed.*

*(c) The transcript of a verbatim record may be in the form of paper or any other means authorized by the Judicial Council. If a transcript is ordered by the court or requested by a party, or if a nonparty requests a transcript that the nonparty is entitled to receive, regardless of whether the nonparty was permitted to attend the proceeding to be transcribed, the court shall, within a reasonable time after the trial of the case that the court designates, have the transcript produced, or the specific portions thereof as may be requested.*

*(d) The transcript of the verbatim record, when produced by a means certified by the Judicial Council pursuant to this section, is prima facie evidence of that testimony and proceedings.*

*(e) A rough draft transcript, if prepared, shall not be certified and cannot be used, cited, or transcribed as the official certified transcript of the proceedings. A rough draft transcript shall not be cited or used in any way or at any time to rebut or contradict the official certified transcript of the proceedings. The production of a rough draft transcript shall not be required.*

*(f) The transcript of the verbatim record shall be part of the official record of the court. The court has the right to charge for the transcript at a rate that the Judicial Council shall establish by rule. The rate shall be based on the actual cost of producing the transcript.*

*(g) Notwithstanding subdivision (a), in any case in which a death sentence may be imposed, the verbatim record shall be both taken down and transcribed by a court reporter using computer-aided transcription equipment.*

*(h) Except as expressly provided in subdivision (g), any statutory reference to an official reporter, stenographic reporter, phonographic reporter, certified shorthand reporter, or court reporter shall be construed to allow any other means of taking down the verbatim record or producing the transcript as is authorized by this statute.*

*(i) If a defendant is convicted of a felony, after a trial on the merits, the record on appeal shall be prepared immediately after the verdict or finding of guilt is announced unless the court determines that it is likely that no appeal from the decision will be made. The court's determination of a likelihood of appeal shall be based upon standards and rules adopted by the Judicial Council.*

*It is the intent of the Legislature, in enacting this section, to provide that the means of taking down the verbatim record and producing the transcript of the verbatim record be determined by the Judicial Council in its sole discretion, except as expressly provided in subdivision (g) and under the requirements in subdivision (a).*

SEC. 2. Section 269 of the Code of Civil Procedure is repealed.

SEC 3. Section 273 of the Code of Civil Procedure is repealed.

SEC 4. Section 274a of the Code of Civil Procedure is amended to read:

Any judge of the superior court may have any opinion given or rendered by the judge in the trial of a felony case or an unlimited civil case, pending in that court, or any necessary order, petition, citation, commitment or judgment in any probate proceeding, proceeding concerning new or additional bonds of county officials or juvenile court proceeding, or the testimony or judgment relating to the custody or support of minor children in any proceeding in which the custody or support of minor children is involved, taken down ~~in shorthand and transcribed together with such copies as the court may deem necessary by the official reporter or an official reporter pro tempore of the court.~~ by a method authorized by the Judicial Council and transcribed together with such copies as the court may deem necessary.

**Attachment B**

**Issue:** *Eliminate local government exemption from payment of civil court filing and service fees*

SECTION 1. Section 6103 of the Government Code is amended to read:

6103. Neither the state ~~nor any county, city, district, or other political subdivision,~~ nor any public officer or body, acting in his official capacity on behalf of the state, ~~or any county, city, district, or other political subdivision,~~ *nor any county child welfare or probation agency in any action or proceeding brought pursuant to Welfare and Institutions code section 300 et seq., nor any local child support agency or district attorney in any action or proceeding for the establishment of a child support obligation or the enforcement of a child or spousal support obligation,* shall be required to pay or deposit any fee for the filing of any document or paper, for the performance of any official service, or for the filing of any stipulation or agreement which may constitute an appearance in any court by any other party to the stipulation or agreement. This section does not apply to the State Compensation Insurance Fund or where a public officer is acting with reference to private assets or obligations which have come under his jurisdiction by virtue of his office, or where it is specifically provided otherwise. No fee shall be charged for the filing of a confession of judgment in favor of the state.

No fee shall be charged the state to defray the costs of reporting services by court reporters. Such fees shall be recoverable as costs as provided in Section 6103.5.

SEC. 2. Section 26857 of the Government Code is amended to read:

26857. (a) No fee shall be charged by the clerk:

(1) For service rendered to a defendant in any criminal action;

(2) To the petitioner in any adoption proceeding except as provided in Section 103730 of the Health and Safety Code;

~~For any service to the state;~~

(3) For any proceeding brought pursuant to Section 7841 of the Family Code to declare a minor free from parental custody or control;

(4) *To any county child welfare or probation agency in any action or proceeding brought pursuant to Welfare and Institutions code section 300 et seq.;*

(5) *To any local child support agency or district attorney in any action or proceeding for the establishment of a child support obligation or the enforcement of a child or spousal support obligation; nor*

(6) ~~No fee shall be charged by the clerk for service rendered to any municipality or county in the state, or to the state or national government, nor for any service relating thereto.~~

**Attachment C****Issue:** *Reduce peremptories in all case types*

SECTION 1. Section 231 of the Code of Civil Procedure is amended to read:

231. (a) In criminal cases, if the offense charged is punishable with death, or with imprisonment in the state prison for life, the defendant is entitled to ~~20~~ 12 and the people to ~~20~~ 12 peremptory challenges. Except as provided in subdivision (b), in a trial for any other *felony* offense, the defendant is entitled to ~~10~~ 6 and the ~~state people~~ to ~~10~~ 6 peremptory challenges. When two or more defendants are jointly tried, their challenges shall be exercised jointly, but each defendant shall also be entitled to ~~five~~ 3 additional challenges which may be exercised separately, and the people shall also be entitled to additional challenges equal to the number of all the additional separate challenges allowed the defendants.

(b) If the offense charged is punishable ~~with a maximum term of imprisonment of 90 days or less as a misdemeanor~~, the defendant is entitled to ~~six~~ 3 and the ~~state people~~ to ~~six~~ 3 peremptory challenges. When two or more defendants are jointly tried, their challenges shall be exercised jointly, but each defendant shall also be entitled to ~~four~~ 2 additional challenges which may be exercised separately, and the ~~state people~~ shall also be entitled to additional challenges equal to the number of all the additional separate challenges allowed the defendants.

(c) In civil cases, each party shall be entitled to ~~six~~ 3 peremptory challenges. If there are more than two parties, the court shall, for the purpose of allotting peremptory challenges, divide the parties into two or more sides according to their respective interests in the issues. Each side shall be entitled to ~~eight~~ 6 peremptory challenges. If there are several parties on a side, the court shall divide the challenges among them as nearly equally as possible. If there are more than two sides, the court shall grant such additional peremptory challenges to a side as the interests of justice may require; provided that the peremptory challenges of one side shall not exceed the aggregate number of peremptory challenges of all other sides. If any party on a side does not use his or her full share of peremptory challenges, the unused challenges may be used by the other party or parties on the same side.



**Attachment D**

**Issue:** *Implement smaller jury panel sizes statewide*

*The people of the State of California do enact as follows:*

SECTION 1. Section 68517 is added to the Government Code to read:  
68517. In order to promote the efficient use of court resources, to conserve jurors, and to return workdays of non-summoned jurors to the economy, the Judicial Council shall adopt a Rule of Court prescribing panel size guidelines for all jury trials. These uniform guidelines shall be followed unless the Presiding Judge, or his or her designee, allows a deviation.

**Attachment E**

**Issue:** *Decrease jury size in limited civil cases*

SECTION 1. Section 220 of the Code of Civil Procedure is amended to read:

220. A trial jury shall consist of 12 persons, except that

(a) in civil actions *in which the amount in controversy is more than \$25,000* and in ~~eases of~~ misdemeanor cases, it may consist of 12 or any number less than 12, upon which the parties may agree.; *and*

(b) *in civil actions in which the amount in controversy does not exceed \$25,000, it shall consist of 8 persons or any number less than 8, upon which the parties may agree.*

**Attachment F**

**Issue:** *Eliminate juror pay for government employees*

SECTION 1. Section 215 of the Code of Civil Procedure is amended to read:

215. (a) *Except as provided in subsection (b), ~~B~~beginning July 1, 2000, the fee for jurors in the superior court, in civil and criminal cases, is fifteen dollars (\$15) a day for each day's attendance as a juror after the first day.*

(b) *A juror who is employed by a federal, state, or local government entity, or by any other public entity as defined in section 481.200, and who receives regular compensation and benefits while performing jury service, shall not be paid the fee described in subsection(a).*

(c) *All ~~J~~jurors in the superior court, in civil and criminal cases, shall be reimbursed for mileage at the rate of thirty-four cents (\$0.34) per mile for each mile actually traveled in attending court as a juror after the first day, in going only.*

## **Attachment G**

### *Collective Bargaining TBL*

Section 1. The Legislature finds and declares the following:

The fiscal responsibility for support of the trial courts became the responsibility of the State pursuant to the Lockyer-Isenberg Trial Court Funding Act of 1997;

The State costs to support the trial courts have increased seventy-two percent since fiscal year 1998-99 driven by increased costs for security salaries and benefits, county maintenance of effort relief, interpreter costs, county costs, jury reform, and significant increases in employee compensation related costs for which the State has no control over;

Funding for court labor increases negotiated by local courts and court employee unions becomes the responsibility of the State, even though the Administration has no role for approval of funding driven by the negotiation process;

The Administration proposes that the current collective bargaining process be reformed to provide a linkage between the appropriation process and the negotiations for wages, hours, and other terms and conditions of employment adjustments which require additional expenditure of State funds.

Section 2. The Judicial Council shall establish a working group to review trial court collective bargaining issues and make recommendations to the Governor, and the Legislature by November 1, 2004 regarding procedures to increase accountability to the funding source of the trial courts and to ensure the fair treatment of trial court employees and adequate funding for salary and benefits of trial court employees.

**Attachment H***Homicide Trails BBL and TBL*

## Proposed Budget Bill Language:

Of the amount appropriated in this item, up to \$254,000, shall only be used for the payment of court costs of extraordinary homicide trials. The Judicial Council shall adopt a rule of court to establish a process for courts to seek reimbursement for the extraordinary costs of homicide trials. In developing the process for reimbursement, the Judicial Council shall consider the following: (1) the uniform administration of justice throughout the state is a matter of statewide interest; (2) the prosecution and conduct of trials of persons accused of homicide should not be hampered or delayed by any lack of funds available to the courts for such purposes; (3) a court should not be required to bear the entire costs of a trial involving a homicide if such costs will seriously impair the finances of the court; and (4) the methodology for reimbursement established in Government Code 15202.

## Proposed TBL

## Government Code

15201. As used in this chapter, "costs incurred by the county" mean all cost, except normal salaries and expenses, incurred by the county in bringing to trial or trials, including the trial or trials of, a person or persons for the offense of homicide, including costs, except normal salaries and expenses, incurred by the district attorney in investigation and prosecution, by the sheriff in investigation, by the public defender or court-appointed attorney or attorneys in investigation and defense, and all other costs, except normal salaries and expenses, incurred by the county in connection with bringing the person or persons to trial including the trial itself including extraordinary expenses for such services as witness fees and expenses, court-appointed expert witnesses, reporter fees, and costs in preparing transcripts. Trial cost shall also include all pretrials, hearings, and postconviction proceedings, if any. Costs incurred by the county shall not include any costs paid for by the superior court or for which the superior court is responsible.

**ATTACHMENT I****PROPOSED PROVISIONAL BUDGET LANGUAGE – *Trial Court Baseline Funding***

0450-101-0932—For local assistance, State Trial Court Funding.....

Provisions:

(x) In order to ensure that trial court baseline funding is provided at a level sufficient to support annual court operations the Judicial Council shall undertake the following:

- a) In collaboration with the Department of Finance and the Legislative Analyst's Office, the Judicial Council shall develop a workload staffing and resource model to be used on an annual basis in the development of the trial court budget. This model shall incorporate, to the extent feasible, court operational efficiencies and best practices, and desired court system outcomes and qualitative goals. The Judicial Council shall submit a report on the status of this effort by December 1, 2004, to the Governor, the Chairperson of the Joint Legislative Budget Committee, and the chairperson of the committee in each house which considers appropriations. This report shall include a schedule for completion of the model, which may occur in phases.
- b) The Judicial Council, in consultation with the Department of Finance and the Legislative Analyst's Office, shall propose a methodology for making baseline adjustments to trial court funding for mandatory cost items. These items include costs which are typically adjusted in the current fiscal year for executive branch agencies, including salaries, retirement, and other benefit costs, as well as court costs related to compliance with federal and state constitutional and statutory requirements. The Judicial Council shall submit a report on the methodology to the Governor, the Chairperson of the Joint Legislative Budget Committee, and the chairperson of the committee in each house which considers appropriations by December 1, 2004.
- c) The Judicial Council shall submit a report of mandatory trial court costs to the Chairperson of the Joint Legislative Budget Committee, the chairperson of the committee in each house which considers appropriations, and the Governor by December 1, 2004. This report shall identify actual expenditures for these costs in the prior fiscal year, estimated expenditures associated with these costs in the current fiscal year, and projected costs for the next fiscal year. This report shall also identify the level of resources, if any, needed to address any net increase in costs. Updated cost information shall be reported to the Chairperson of the Joint Legislative Budget Committee, the chairperson of the committee in each house which considers appropriations, and the Governor by March 15, 2005.

## ATTACHMENT J

### *California State Law Library Special Account*

#### **Government Code**

**68926.3.** Notwithstanding any other provision of law, sixty-five dollars (\$65) of each fee collected in a civil case by the clerk of each court of appeal pursuant to Section 68926 shall be paid into the State Treasury for deposit in a special account in the General Fund to be known as the California State Law Library Special Account, which account is hereby established.

Moneys deposited in the California State Law Library Special Account during the 1992-93 fiscal year are hereby appropriated for that fiscal year to the California State Law Library for its support.

In fiscal years subsequent to the 1992-93 fiscal year, these moneys shall be available for the support of the California State Law Library upon appropriation thereto by the Legislature in the annual Budget Act.

This section shall remain in effect only until January 1, ~~2005~~ 2010, and as of that date, is repealed, unless a later statute which is enacted before that date extends or repeals that date.

## **Attachment K**

### **State Trial Court Funding Information Technology Projects Proposed Trailer Bill Language**

Adopt the following trailer bill language:

On December 1<sup>st</sup> of every year and until project completion, the Judicial Council shall provide annual status reports to the chairpersons of the budget committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee for the California Case Management System and Court Accounting and Reporting System. The reports shall include, but are not limited to, (1) project accomplishments to date, (2) project activities underway, (3) proposed activities, and (4) annual revenues and expenditures to date in support of these projects, that shall include all costs for AOC and incremental court personnel, contracts, and hardware and software.

On December 1<sup>st</sup> of every year and until project completion, the Administrative Office of the Courts (AOC) shall provide, on an annual basis to the chairpersons of the budget committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee copies of any independent project oversight reports for the California Case Management System. The independent project oversight reports shall include, but are not limited to, a review and an assessment of project activities, identification of deficiencies, and recommendations to AOC on how to address those deficiencies. The AOC shall include in the annual submission descriptions on actions taken to address identified deficiencies.

Within 18 months of fully implementing the California Case Management System and the Court Accounting and Reporting System projects, the Administrative Office of the Courts (AOC) shall provide to the chairpersons of the budget committees in each house of the Legislature and the Chairperson of the Joint Legislative Budget Committee post implementation evaluation reports for each project. The reports shall include, but are not limited to, summary of the project background, project results and an assessment of the attainment of project objectives.